## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

	)
JESSIE MARLENE ODOM WARD, as	)
Personal Representative for the Estate of	) NOTICE OF MOTION
EVERETTE L. ODOM, Deceased	)
	) MDL DOCKET NO.: 875
Plaintiff	)
	) CIVIL ACTION NO.: 5:09-cv-80030
VS.	)
	) Hon. Eduardo C. Robreno
ALLIS-CHAMBERS PUMPS, INC., et al.,	)
	)
Defendants.	)

## MOTION TO DISMISS OF THE UNITED STATES FIDELITY AND GUARANTY COMPANY

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant United States Fidelity and Guaranty Company ("USF&G") moves this Court to dismiss, with prejudice, the claims in the Complaint for the above-captioned action with respect to USF&G for failure to state a claim upon which relief can be granted. The grounds for this motion are more fully set forth in the accompanying memorandum of law, which is incorporated by reference herein. Defendant, USG&G, respectfully requests that oral argument be granted regarding this motion.

Respectfully Submitted,

Dated: April 2, 2010

/s/ Andrew T. Frankel
By: ANDREW T. FRANKEL

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